

REMARKS

In the final Office Action mailed January 31, 2003 the Examiner noted that claims 1-8 and 10-20 were pending, and rejected all claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,867,714 to Todd et al. Claims 1-8 and 10-20 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Response to Arguments on page 6 of the January 31, 2003 Office Action, the Examiner cited column 12, lines 30-49 of Todd et al. as teaching "the features emphasized in the independent claims" (Office Action, page 6, line 14). However, contrary to the Examiner's assertion that this portion of Todd et al. discloses "suggested hardware and **software** upgrades" (Office Action, page 6, line 11, emphasis added), Todd et al. only discloses hardware upgrades, specifically, "an upgrade on the processor and memory" (column 12, line 40), "processor and memory upgrade suggestions" (column 12, lines 44-45), a suggestion "that the user replace the computer system" (column 12, lines 49-50), "automatically assessing configuration possibilities" (column 12, lines 51-52) and an "automated ordering process, wherein the user can automatically order processor or memory upgrades" (column 12, lines 53-55).

It is submitted that Todd et al. does not teach or suggest: (1) upgrading software products; (2) "subscription ... based on the usage of software (i.e. number of uses ...[, such as] 10 uses per month)" (Office Action page 5, lines 1-2); or (3) information requested by the user during registration. Distinction (1) is discussed above. With respect to distinction (2), the cited portion of Todd et al. (column 12, lines 30-65) does not support the inference.

With respect to distinction (3), the only teaching found in Todd et al. that might be relevant is "a registration database [that] may include data describing those computer systems that are licensed or otherwise qualified to receive analysis and software revision ... [and] warranty information that manages warranty obligations" (column 12, lines 58-65). However, nothing has been found regarding requests for information during registration, only requesting that the configuration be updated (column 13, lines 46-48 and column 14, lines 1-2). For the above reasons, it is submitted that Todd et al. does not anticipate the claims under 35 U.S.C. § 102(e) and there are so many modifications to Todd et al. necessary to meet the limitations recited in the claims that the claims are not obvious.

Request for Examiner Interview

The claims have been repeatedly rejected as anticipated by Todd et al. without fully responding to the arguments that have been raised by the Applicants. To enable the Applicants to better understand the reasons for the rejections, the Examiner is respectfully requested to contact the undersigned to arrange an Examiner Interview prior to issuing another rejection of the claims as anticipated by Todd et al.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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